

1 (4) EMERGENCY REPAIR FUND. Any municipality having established a board of
2 harbor commissioners to operate its harbor facilities may create a contingent fund
3 for the purpose of permitting the secretary of the board to pay for repairs to harbor
4 facilities which constitute emergency repairs within the meaning of s. ~~30.32~~ 30.493
5 (4). The secretary may pay for such repairs out of such fund on the secretary's
6 signature alone.

7 **SECTION 244.** 30.341 (title) of the statutes is created to read:

8 **30.341 (title) Activities of department of transportation.**

9 **SECTION 245.** 30.341 (1) of the statutes is created to read:

10 30.341 (1) In this section, "inland waters" has the meaning given in s. 29.001
11 (45).

12 **SECTION 246.** 30.343 (title) of the statutes is created to read:

13 **30.343 (title) Activities of board of commissioners of public lands.**

14 **SECTION 247.** 30.35 of the statutes is renumbered 30.496, and 30.496 (6), as
15 renumbered, is amended to read:

16 **30.496 (6) BONDHOLDERS AND NOTEHOLDERS HAVE LIEN.** Title to all of the harbor
17 facilities for which revenue bonds, refunding bonds, or bond anticipation notes are
18 issued remains in the municipality, but a statutory lien exists in favor of the
19 bondholders and noteholders against the facilities which have been acquired,
20 constructed, altered, or remodeled and the cost of which has been financed with
21 funds obtained through the issuance of such bonds and notes. To provide further
22 security for the bondholders and noteholders, the ordinance or resolution
23 authorizing the issuance of revenue bonds, refunding bonds, or bond anticipation
24 notes may provide for a pledge of the revenues of the facilities, including, if the

1 facilities are leased under sub. ~~(6)~~ this subsection, an assignment of all or part of the
2 municipality's rights as lessor.

3 **SECTION 248.** 30.37 of the statutes is renumbered 30.497, and 30.497 (6) and
4 (7), as renumbered, are amended to read:

5 30.497 (6) EFFECT OF REVISION ON EXISTING HARBOR BOARDS. Boards of harbor
6 commissioners, harbor commissions, or dock and harbor boards in existence on
7 January 1, 1960, are deemed to be valid boards of harbor commissioners as if created
8 pursuant to this section and are vested with all of the powers and duties conferred
9 upon boards of harbor commissioners by this ~~chapter~~ subchapter. The members of
10 such boards may continue to hold office until their terms expire, notwithstanding
11 any provision of this section which would otherwise disqualify them, but
12 appointments made after January 1, 1960, shall be made only in accordance with
13 this section. Nothing in this subsection is intended to prevent a municipality by
14 resolution from abolishing its board of harbor commissioners, harbor commission, or
15 dock and harbor board.

16 (7) MILWAUKEE COUNTY. Milwaukee County, with respect to the land ceded or
17 granted to Milwaukee County as described in 1997 Wisconsin Act 70, section 3, may
18 directly exercise all of the powers and perform all of the duties conferred on a board
19 of harbor commissioners under ss. ~~30.34, 30.35 and 30.38~~ 30.495, 30.496, and 30.498,
20 but Milwaukee County may not create a board of harbor commissioners if sub. (1) (b)
21 applies. Milwaukee County shall have exclusive jurisdiction over the operation,
22 administration, maintenance, improvement, alteration, and repair of any marina
23 facility or marina related anchorage located on this land.

24 **SECTION 249.** 30.38 of the statutes is renumbered 30.498, and 30.498 (3) and
25 (13) (a) and (b), as renumbered, are amended to read:

1 30.498 (3) CONTRACT PROCEDURES. In the letting of work relative to the
2 construction, repair, or maintenance of a harbor or harbor facility or in the purchase
3 of equipment, supplies, or materials relative to carrying out its powers and duties,
4 a board of harbor commissioners shall be governed by the procedures and
5 requirements set forth in s. 30.32 30.493.

6 (13) (a) All moneys appropriated to a board of harbor commissioners, all
7 revenues derived from the operation of the public harbor except in the case of a joint
8 harbor revenue from joint improvements before division thereof, and all other
9 revenues of the board shall be paid into the municipal treasury and credited to the
10 harbor fund, except that revenues assigned or pledged under s. 30.35 30.496 (6) or
11 66.1103 shall be paid into the fund or funds provided for in the ordinance or
12 resolution authorizing the issuance of the bonds and shall be applied in accordance
13 with that ordinance or resolution.

14 (b) Subject to the limitations and conditions otherwise expressed in this section
15 and to a budget approved by the municipal governing body, moneys in the harbor
16 fund may be used for the acquisition, construction, improvement, repair,
17 maintenance, operation, and administration of the public harbor and harbor
18 facilities and for the acquisition, chartering, and operation of vessels under sub. (8)

19 (b) 3. Except as provided in s. 30.34 30.495 (4), such moneys shall be paid out of the
20 harbor fund only on orders signed by the president and secretary of the board, or
21 some other official authorized by the board, after the allowance of claims by the board
22 or on orders entered in the minutes of the board. Disbursements from the harbor
23 fund shall be audited as other municipal disbursements are audited; however, the
24 board may determine on some other procedure it deems appropriate for the
25 consideration of claims and the reporting thereof notwithstanding the provisions of

1 this paragraph. If a procedure other than that set forth in this paragraph is
2 prescribed by the board, the approval of the chief auditing officer shall be obtained.

3 **SECTION 250.** 30.381 (title) of the statutes is created to read:

4 **30.381 (title) Subchapter penalties.**

5 **SECTION 251.** 30.381 (3) (title) of the statutes is created to read:

6 **30.381 (3) (title) FISHING RAFTS.**

7 **SECTION 252.** 30.381 (4) (title) of the statutes is created to read:

8 **30.381 (4) (title) STRUCTURES AND DEPOSITS.**

9 **SECTION 253.** 30.381 (4) (b) of the statutes is created to read:

10 **30.381 (4) (b)** Any person who, after having been found under this subsection
11 to have violated s. 30.12, violates s. 30.12 shall be fined not more than \$1,000 or
12 imprisoned for not more than 6 months or both if the present offense occurs within
13 5 years after a finding under par. (a) or a conviction under this paragraph.

NOTE: The criminal penalty in current law for violating s. 30.12 permit
requirements is the only criminal penalty in subch. II. This provision modifies the
criminal penalty so that it applies to repeat violations. The current civil penalty
(forfeiture) in s. 30.15 (1) (d), renumbered in this bill, continues to apply to any violations
of s. 30.12.

14 **SECTION 254.** 30.381 (5) of the statutes is created to read:

15 **30.381 (5) WHARVES, PIERS, AND SWIMMING RAFTS.** Any person who constructs or
16 places a wharf, pier, or swimming raft in navigable waters in violation of s. 30.13
17 shall forfeit not less than \$100 nor more than \$500 for each offense. Each day during
18 which a wharf, pier, or swimming rafts exists in violation of s. 30.13 is a separate
19 offense.

20 **SECTION 255.** 30.381 (6) (title) of the statutes is created to read:

21 **30.381 (6) (title) DIVERSIONS OF WATER; CHANGING OF STREAM COURSES.**

1 **SECTION 256.** Subchapter IV (title) of chapter 30 [precedes 30.40] of the
2 statutes is renumbered subchapter III (title) of chapter 30 [precedes 30.40].

3 **SECTION 257.** 30.50 (1b) of the statutes is created to read:

4 **30.50 (1b)** “Aids to navigation” means buoys, beacons, and other fixed objects
5 in the water that are used to mark obstructions to navigation or to direct navigation
6 through safe channels.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

7 **SECTION 258.** 30.50 (2) of the statutes is renumbered 30.01 (1bm).

NOTE: The definition of “boat” or “vessel” is relocated to the definitions applicable to the entire chapter.

8 **SECTION 259.** 30.50 (4q) of the statutes is amended to read:

9 **30.50 (4q)** “Lake sanitary district” means a town sanitary district that has
10 within its boundaries at least 60% of the footage of shoreline of a public inland lake,
11 as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation
12 district is not in effect. The footage of shoreline shall be measured by use of a map
13 wheel on the U.S. geological survey 7 1/2 minute series map.

NOTE: The current statutes provide for the determination of shoreline footage in s. 30.105. Section 30.105 is replicated in the 3 statutes where measurement of shoreline footage is specified.

14 **SECTION 260.** 30.50 (4u) of the statutes is created to read:

15 **30.50 (4u)** “Local governmental unit” means a city, village, town, county, town
16 sanitary district, or public inland lake protection and rehabilitation district.

17 **SECTION 261.** 30.50 (9) of the statutes is amended to read:

18 **30.50 (9)** “Owner” Except as provided in s. 30.605, “owner” means the person
19 who has lawful possession of a boat by virtue of legal title or equitable interest
20 therein which entitles the person to lawful possession.

21 **SECTION 262.** 30.50 (9b) of the statutes is created to read:

1 **30.50 (9b)** “Patrol boat” means a boat authorized by this state or by a local
2 governmental unit for the purpose of law enforcement, search and rescue, fire
3 fighting, emergency response, or water safety operations, including a water safety
4 patrol unit.

NOTE: “Patrol boat” is defined here and used consistently in subch. V in statutes related to the equipment and operation of such boats.

5 **SECTION 263.** 30.50 (10m) of the statutes is created to read:

6 **30.50 (10m)** “Regulatory marker” means any anchored or fixed marker in the
7 water or anchored platform on the surface of the water, other than aids to navigation,
8 and includes a swimming area marker, speed zone marker, information marker,
9 mooring buoy, fishing buoy, and restricted activity area marker.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

10 **SECTION 264.** 30.50 (13r) of the statutes is created to read:

11 **30.50 (13r)** “Water skiing or a similar activity” means any activity in which a
12 person is towed in the water behind or alongside of a boat, including barefoot skiing,
13 aquaplaning, kneeboarding, or being towed on an inflatable device.

NOTE: This clarifies the use of the term “water skiing or a similar activity”. The list of activities after “including” is not meant to be exclusive. This definition is intended to apply to other similar activities that are currently enjoyed on the water, or that may be developed and introduced in the future.

14 **SECTION 265.** 30.5005 of the statutes is created to read:

15 **30.5005 Department duties and powers. (1) FEDERAL LAW.** The department
16 shall submit proposed legislation to the legislature in the manner provided under s.
17 13.172 (2) in order to conform the requirements under ss. 30.50 to 30.71 with federal
18 statutes and regulations.

NOTE: This provision directs the department to suggest new legislation to keep statutory boat registration, equipment and operation requirements in conformity with federal regulations. Current statutes specifically requiring conformity with federal regulations [ss. 30.501 (8), 30.505, 30.61 (9), 30.62 (9) and 30.67 (2) (a)] are amended or repealed. The special committee does not intend by this new procedure to withdraw the

statutory authority for any rules promulgated by the DNR that adopt federal statutes or regulations, whether wholly or in part.

1 (2) RULES; GENERALLY. The department may promulgate rules under this
2 subchapter. Any reference to a provision of this subchapter includes any rule
3 promulgated under that provision.

NOTE: The first sentence of sub. (2), above, restates the authority of the DNR to promulgate rules. This bill eliminates various statutes that grant permissive rule-making authority in subch. V. The 2nd sentence in sub. (2), above, eliminates the need for several instances of the phrase in the form, “this section, or rules promulgated under this section”, and applies that principle to all rules promulgated under subch. V. In addition, it should be noted that DNR has emergency rule-making authority under s. 227.24.

4 **SECTION 266.** 30.501 (8) of the statutes is repealed.

NOTE: Current s. 30.501 (8) authorizes the DNR to promulgate rules regarding boat capacity plates, and requires the rules to conform with appropriate federal regulations. This provision is repealed for several reasons. First, the authorization to promulgate regulations is stated generally for all of subch. V in new s. 30.5005 (1) (b). Second, it is not necessary to state that the rules must comply with federal regulations. Third, if there is an issue regarding the consistency of statutes with federal regulations, that is a matter for the legislature, and not for DNR rules.

5 **SECTION 267.** 30.501 (9) of the statutes is amended to read:

6 30.501 (9) This section applies to vessels manufactured after January 1, 1966
7 and prior to November 1, 1972. All vessels manufactured on or after November 1,
8 1972, shall comply with appropriate federal regulations and the capacity
9 information shall be displayed as required.

NOTE: Section 30.501 relates to capacity plates on boats. This amendment makes the statute applicable to all boats manufactured prior to November 1, 1972.

10 **SECTION 268.** 30.505 of the statutes is amended to read:

11 **30.505 Certificate of number system to conform to federal system.** The
12 certificate of number system and the issuance of identification numbers employed
13 by the department shall be in conformity with the overall system of identification
14 numbering for boats established by the U.S. federal government. ~~The department~~
15 ~~shall promulgate rules as are necessary to bring the state certificate of number~~

1 ~~system and the issuance of identification numbers into conformity with this federal~~
2 ~~system.~~

NOTE: The rationale for this amendment is the same as that stated in the note describing the repeal of s. 30.501 (8).

3 **SECTION 269.** 30.52 (1) (b) 1r. of the statutes is amended to read:

4 30.52 (1) (b) 1r. ~~A~~ When a person applying applies for registration of a federally
5 documented vessel, the department shall ~~submit as part of the application a~~
6 ~~photocopy of the front and back of~~ verify that the federal certificate of documentation
7 for the vessel, ~~which must be~~ is current at the time of applying for registration.

NOTE: Information on federally documented vessels is available on the U.S. Coast Guard web site, and the DNR may verify the federal documentation by that means. The DNR may also request a photocopy of the federal registration.

8 **SECTION 270.** 30.537 (4) (e) of the statutes is repealed.

NOTE: This provision requires a person who receives notice from the DNR under s. 30.571 regarding perfection of a security interest on a boat titled in another state to pay a \$2 fee to the DNR. The DNR does not have an effective means to collect this fee and does not currently collect it, and it is therefore repealed.

9 **SECTION 271.** 30.54 (2) of the statutes is amended to read:

10 30.54 (2) If a person applies for a replacement certificate under sub. (1),
11 conservation wardens or local law enforcement officials, after presenting
12 appropriate credentials to the owner or legal representative of the owner named in
13 the certificate of title, shall may inspect the boat's engine serial number or hull
14 identification number, for purposes of verification or enforcement.

NOTE: This provision relates to replacement certificates of title. This provision requires a conservation warden or local law enforcement official to inspect the hull number of engine number of a boat in order to verify it in connection with replacement of the certificate of title by the DNR. This inspection is not consistently performed, and this bill makes the inspection optional.

15 **SECTION 272.** 30.571 of the statutes is amended to read:

16 **30.571 Notification of person who has perfected security interest.** If the
17 department receives information from another state that a boat that is titled in this

1 state is being titled in the other state and the information does not show that a
2 perfected security interest, as shown by the records of the department, has been
3 satisfied, the department shall notify the person who has perfected the security
4 interest. ~~The person shall pay the department the fee under s. 30.537 (4) (e) for each~~
5 ~~notification.~~

NOTE: The fee referenced in this provision is eliminated by this bill.

6 **SECTION 273.** 30.60 of the statutes is repealed.

NOTE: Current s. 30.60 creates a motorboat classification system based on boat length. These classifications are only used in 3 places in the current statutes: ss. 30.61 (2) and (3) and 30.69 (1) (a). Rather than use this classification system, those statutes are amended to substitute reference to the length of the motorboat.

7 **SECTION 274.** 30.605 of the statutes is created to read:

8 **30.605 Owner; definition.** In ss. 30.61 to 30.71, “owner” means any of the
9 following:

10 (1) An owner, as defined in s. 30.50 (9).

11 (2) A lessee of a boat.

NOTE: “Lessee” is added to the definition of owner to assure that the statutes apply to those who may lease a boat on a long-term basis. Section 30.50 (9) defines “owner” to include a person who has an equitable interest in a boat, but that term does not necessarily describe a lease and, in any case, that definition is meant to apply primarily to boat titling and registration statutes. “Lessee” does not include short-term rental of boats, such as on a daily or weekly basis.

12 **SECTION 275.** 30.61 (1), (2) (intro.), (3) (intro.), (4), (6) (b), (7) and (8) of the
13 statutes are amended to read:

14 **30.61 (1) WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS.** (a) No person shall may
15 operate any motorboat at any time from sunset to sunrise unless such the motorboat
16 carries the lighting equipment required by this section and unless such the lighting
17 equipment is lighted when and as required by this section.

1 (b) No owner shall ~~may give a person~~ permission for the operation of ~~to operate~~
2 a motorboat at any time from sunset to sunrise unless such ~~the~~ motorboat is equipped
3 as ~~carries the lighting equipment~~ required by this section.

4 (c) No person shall ~~may exhibit from or on~~ any motorboat when under way at
5 any time from sunset to sunrise any light which may be mistaken for those required
6 by this section.

7 (2) LIGHTS FOR MOTORBOATS OF CLASSES A AND 1 ~~LESS THAN 26 FEET LONG.~~ (intro.)
8 All motorboats of classes A and 1 ~~less than 26 feet long~~ when under way at any time
9 from sunset to sunrise shall carry and have lighted the following lamps:

10 (3) LIGHTS FOR MOTORBOATS OF CLASSES 2 AND 3 ~~26 OR MORE FEET LONG.~~ (intro.) All
11 motorboats of classes 2 and 3 ~~26 or more feet long~~ when under way at any time from
12 sunset to sunrise shall carry and have lighted the following lamps:

13 (4) SAILBOATS WITH MOTORS. ~~Sailboats~~ A sailboat equipped with ~~motors~~ a motor
14 and being propelled in whole or in part by such ~~the~~ motor ~~must~~ shall comply with sub.
15 (2) or (3), ~~whichever is~~ as applicable. Whenever such a sailboat is being propelled
16 entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps
17 showing the colored lights specified in sub. (2) or (3), but not the lamps showing the
18 white lights, and shall carry ready at hand a lantern or flashlight showing a white
19 light which shall be exhibited in sufficient time to avert collision.

20 (6) (b) ~~This subsection does not require any light to be shone from~~ A duck blinds
21 blind constructed on emergent vegetation is not required to be lighted.

22 (7) PERFORMANCE DESIGN SPECIFICATIONS FOR LAMPS. Every white light
23 ~~prescribed~~ required by this section shall be of such character as designed to be visible
24 at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored
25 light ~~prescribed~~ required by this section shall be of such character as designed to be

1 visible at a distance of at least one mile on a dark night with clear atmosphere. The
2 owner of a motorboat that is required to carry lighting equipment under this section
3 shall maintain the equipment so that the equipment functions as designed.

NOTE: The current statute requires lights to be “of such character” as to be “visible”. This language establishes a design standard for the lights, and the requirement is revised and clarified accordingly. A requirement to maintain the lights is added.

4 (8) OPTIONAL LIGHTING REQUIREMENTS. Any boat may carry and exhibit the lights
5 required by the federal international regulations for preventing collisions at sea,
6 ~~1948, federal act of October 11, 1951, (33 USC 143-147d) as amended, as~~
7 implemented by 33 CFR part 81 and interpreted by 33 CFR part 82 in lieu of the
8 lights required by subs. (2) and (3).

9 **SECTION 276.** 30.61 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to keep the lighting requirement consistent with federal law. This provision is replaced by a directive in new s. 30.5005 for the DNR to propose statutory amendments to keep statutory registration, equipment and operation requirements in conformity with federal regulations.

10 **SECTION 277.** 30.61 (10) of the statutes is renumbered 30.68 (13) and amended
11 to read:

12 30.68 (13) OPERATION NIGHTTIME OPERATION OF PERSONAL WATERCRAFT. (a)
13 ~~Notwithstanding subs. (1), (2), (8) and (9), no~~ No person may operate a personal
14 watercraft at any time from sunset to sunrise.

15 (b) If a person operates a personal watercraft in violation of par. (a), the
16 operation shall be subject to additional penalties for any failure to comply with the
17 applicable lighting requirements under ~~subs. s. 30.61 (1), (2), and (8) and (9).~~

18 **SECTION 278.** 30.62 (title), (1) and (2) (b) of the statutes are amended to read:

19 30.62 (title) ~~Other equipment~~ Equipment other than lighting. (1) WHEN
20 EQUIPMENT REQUIRED. No person ~~shall~~ may operate any boat on the waters of this

1 state unless such the boat is equipped as required by this section and the rules of the
2 department promulgated under this section.

3 **(1m) RENTAL BOATS.** No owner of a boat shall may rent such a boat to any other
4 person for use upon on the waters of this state unless such the boat is equipped at
5 the time of rental as required by this section and the rules of the department
6 promulgated under this section. ~~If such.~~ If the boat is properly equipped at the time
7 of rental for conditions then existing, the responsibility of the owner under this
8 section is met, notwithstanding a subsequent change in the number of passengers
9 or a change in time from daylight to dark.

NOTE: The provision regarding rules of the department is repealed and replaced
by a general provision in new s. 30.5005 as created by this bill. That provision states that
any reference to statutory requirements includes additional requirements promulgated
by the DNR by rule pursuant to that statutory requirement.

10 **(2) (b) Maximum noise levels for operation.** No person may operate a motorboat
11 powered by an engine ~~on the waters of this state~~ in such a manner as to exceed a noise
12 level of 86 measured on an “A” weighted decibel scale.

13 **SECTION 279.** 30.62 (2) (c) of the statutes is renumbered 30.62 (2) (c) 1. and
14 amended to read:

15 30.62 (2) (c) 1. No person may sell, resell, or offer for sale any motorboat for use
16 on the waters of the state if the motorboat has been so modified that it cannot be
17 operated ~~in such a manner that it will comply with the noise level requirements~~
18 under in compliance with par. (b).

19 **SECTION 280.** 30.62 (2) (c) 2. of the statutes is created to read:

20 30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail
21 within this state may sell a motorboat for use on the waters of this state in the
22 ordinary course of that person’s business if the motorboat cannot be operated in
23 compliance with par. (b).

NOTE: Current s. 30.62 (2) (d) prohibits the manufacture and sale of a motorboat for use in this state if it does not comply with maximum noise levels. That statute does not prohibit offering for sale a motorboat that does not meet maximum noise level standards if the boat is not manufactured in this state. This new provision prohibits the retail sale of a motorboat for use on the waters of this state if the motorboat does not meet noise level requirements.

1 **SECTION 281.** 30.62 (2) (d) 1. of the statutes is renumbered 30.62 (2) (d) and
2 amended to read:

3 30.62 (2) (d) *Maximum noise level for manufacture.* No person may
4 manufacture and or offer for sale any motorboat for use on the waters of this state
5 if the motorboat cannot be operated ~~in such a manner so as to comply with the noise~~
6 level requirements ~~under~~ in compliance with par. (b).

7 **SECTION 282.** 30.62 (2) (d) 2. of the statutes is renumbered 30.62 (2) (dm) and
8 amended to read:

9 30.62 (2) (dm) *Testing procedures.* The department may promulgate rules
10 establishing testing procedures to determine noise levels for the enforcement of this
11 section. The department may revise these rules as necessary to adjust to advances
12 in technology.

13 **SECTION 283.** 30.62 (2) (d) 3. of the statutes is repealed.

14 **SECTION 284.** 30.62 (2) (f) of the statutes is repealed.

NOTE: This provision requires local ordinances to be identical to this statute. This requirement is imposed by s. 30.77 and is unnecessary here.

15 **SECTION 285.** 30.62 (2) (g) 1. to 3. of the statutes are amended to read:

16 30.62 (2) (g) 1. A motorboat while competing in a water exhibition or race
17 conducted under a permit from a ~~town, village or city~~ local governmental unit that
18 enacts an ordinance under s. 30.77 or from an authorized agency of the federal
19 government.

NOTE: This provision is expanded by use of "local governmental unit" to include counties, town sanitary districts, and lake districts. The reference to a local governmental unit "that enacts an ordinance under s. 30.77" is meant to require that the

local governmental unit have some degree of commitment to local regulation of boating. However, this provision does not require the local governmental unit to enact an ordinance related to motor boat racing or speed records. The local governmental unit may simply issue the permit. "Water exhibition" is added to make this provision consistent with s. 30.742 and rules promulgated by the DNR under s. NR 5.19, Wis. Adm. Code.

1 2. A motorboat designed and intended solely for racing, while the boat
2 motorboat is operated incidentally to the testing or tuning up of the motorboat and
3 engine for the water exhibition or race in an area designated by and operated under
4 a permit specified under subd. 1.

5 3. A motorboat on an official trial for a speed record if conducted under a permit
6 from a ~~town, village or city~~ local governmental unit that enacts an ordinance under
7 s. 30.77.

8 **SECTION 286.** 30.62 (2) (i) of the statutes is repealed.

NOTE: The repealed provision exempts governmental agents from the noise limits when on official duties. This provision is repealed and replaced by a general statute applicable to all statutes and local regulations related to police, rescue, fire fighting, and other similar official boat users. See s. 30.64 (1).

9 **SECTION 287.** 30.62 (2m) and (3) (a) of the statutes are amended to read:

10 30.62 (2m) OVERPOWERING. No person may sell, equip, or operate, and no owner
11 of a ~~boat~~ motorboat may allow a person to operate, a ~~boat~~ motorboat with any ~~motor~~
12 ~~or other~~ propulsion machinery beyond its safe power capacity, taking into
13 consideration the type and construction of ~~such watercraft and other existing~~
14 ~~operating conditions~~ the motorboat.

NOTE: The definition of "motorboat" in s. 30.50 (6) is "any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion". This provision refers to a boat with a motor or propulsion machinery, which is by definition a motorboat. This provision is redrafted accordingly. The reference to "other existing operating conditions" is deleted on the grounds that safe power capacity is determined by the size and design of the motorboat and not by operating conditions.

15 (3) (a) Every boat, except a sailboard and except as provided in ~~par.~~ pars. (b)
16 and (c), shall carry at least one personal flotation device prescribed by federal

1 regulations 33 CFR part 175 for each person on board or being attended by the boat,
2 so placed as to be readily accessible and available to the persons.

3 **SECTION 288.** 30.62 (3) (c) of the statutes is created to read:

4 30.62 (3) (c) 1. In this paragraph, “racing vessel” means a manually propelled
5 racing shell, rowing scull, racing canoe, or racing kayak of the type that is recognized
6 by a national or international racing association for use in competitive racing.

7 2. Paragraph (a) does not apply to a racing vessel if all of the vessel’s occupants,
8 other than a coxswain, row, scull, or paddle the vessel and if the vessel is not designed
9 to carry and does not carry any equipment other than equipment used solely for
10 competitive racing.

NOTE: This provision duplicates the exemptions in current federal rules, 33 CFR
s. 175.17.

11 **SECTION 289.** 30.62 (4) (a) of the statutes is amended to read:

12 30.62 (4) (a) Every motorboat, ~~except outboards of open construction,~~ shall be
13 provided with ~~such number, size and type of~~ fire extinguishers, ~~capable of promptly~~
14 ~~and effectively extinguishing burning gasoline,~~ as prescribed by rules of the
15 department. ~~Such~~ The fire extinguishers shall be ~~at all times~~ kept in condition for
16 immediate and effective use and shall be ~~so placed as to be~~ readily accessible. “Open
17 ~~construction” means construction which will not permit the entrapment of explosive~~
18 ~~or flammable gases or vapors.~~

19 **SECTION 290.** 30.62 (4) (b) of the statutes is renumbered 30.62 (4) (b) (intro.)
20 and amended to read:

21 30.62 (4) (b) (intro.) This subsection does not apply to ~~a~~ any of the following:

22 1. A motorboat while competing in a race conducted pursuant to a permit from
23 a town, village or city local governmental unit that enacts an ordinance under s.

1 30.77 or from an authorized agency of the U.S. federal government, ~~nor does it apply~~
2 ~~to a~~.

3 2. A boat designed and intended solely for racing, while the boat is operated
4 incidentally to the tuning up of the boat and engine for the race at the race location
5 on the day of the race.

6 **SECTION 291.** 30.62 (4) (b) 3. of the statutes is created to read:

7 30.62 (4) (b) 3. A motorboat that is equipped with an outboard motor and that
8 is constructed in a manner that does not permit explosive or flammable gases or
9 vapors to become entrapped in the motorboat.

10 **SECTION 292.** 30.62 (5) of the statutes is amended to read:

11 30.62 (5) BACKFIRE FLAME ARRESTERS. Every ~~boat~~ motorboat equipped with an
12 inboard motor using gasoline as a fuel shall have the carburetors of ~~every~~ each
13 inboard gasoline motor fitted with an ~~efficient~~ effective device for arresting backfire
14 flames. The device shall ~~meet the specifications prescribed by~~ comply with federal
15 regulations.

16 **SECTION 293.** 30.62 (6) of the statutes is renumbered 30.62 (6) (a) and amended
17 to read:

18 30.62 (6) (a) ~~Every boat, except open boats, Except as provided in par. (b), every~~
19 motorboat using ~~as fuel any liquid of a volatile nature,~~ liquid fuel shall be provided
20 with an ~~efficient natural or mechanical~~ effective ventilation system ~~which~~ that is
21 capable of removing ~~resulting inflammable~~ flammable or explosive gases.

22 **SECTION 294.** 30.62 (6) (b) of the statutes is created to read:

23 30.62 (6) (b) Paragraph (a) does not apply to a motorboat that is constructed
24 in a manner that does not permit explosive or flammable gases or vapors to become
25 entrapped in the motorboat.

1 **SECTION 295.** 30.62 (8) of the statutes is amended to read:

2 30.62 (8) BATTERY COVER. ~~Every motorboat~~ If a boat is equipped with storage
3 batteries a battery as part of the boat's electrical system, the battery shall be
4 ~~provided with suitable supports and secured against shifting with the motion of the~~
5 ~~boat. Such storage batteries~~ Both battery terminals shall be equipped with a
6 ~~nonconductive shielding means~~ covered to prevent accidental shorting of battery
7 terminals.

NOTE: Several changes are proposed for the provision on batteries. The current statute applies only to motorboats. If a nonmotorized boat uses a battery to power an electrical system, there does not appear to be a reason why the nonmotorized boat should not require securing and covering the battery. The current reference to "storage batteries" is replaced by a reference to a battery that is part of the boat's electrical system. This will exclude from this requirement any other equipment such as depth finders, navigation lights or global positioning system units that are typically operated by dry cell batteries or by small, separate 12 volt lead-acid batteries.

8 **SECTION 296.** 30.62 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to conform state requirement regulations with federal law. This provision is replaced by a general directive in new s. 30.5005 for the DNR to propose statutory amendments, registration, operation and equipment standards in conformity with federal regulations.

9 **SECTION 297.** 30.625 (1) (intro.) and (2) of the statutes are amended to read:

10 30.625 (1) (intro.) No person who ~~is engaged in the rental or leasing of~~ rents
11 or leases personal watercraft to the public may do any of the following:

12 (2) The department ~~may~~ shall promulgate rules to establish minimum
13 standards for the instruction given under sub. (1) (a).

NOTE: Section 30.5005 (1) (b), as created by this bill, states the general authority of DNR to promulgate rules under this subchapter. However, rather than repealing s. 30.625 (2), it is changed to a mandatory provision. This makes this provision consistent with what appears to be the legislative intent of this provision—that the DNR is required to supplement the statute with rules regarding standards for instruction on personal watercraft operation.

14 **SECTION 298.** .30.63 of the statutes is renumbered 30.62 (10) and amended to
15 read:

1 30.62 (10) SALE AND USE OF CERTAIN OUTBOARD MOTORS RESTRICTED. (a) *Sale*. No
2 person may sell any new outboard motor for use ~~in~~ on the waters of this state unless
3 ~~such~~ the motor is equipped with a crankcase effectively sealed to prevent the
4 drainage of raw fuel into the waters in which the motor is operated.

5 (b) *Use*. Beginning on January 1, 1990, no person may operate an outboard
6 motor ~~in~~ on the waters of this state unless ~~such~~ the motor is equipped with a
7 crankcase effectively sealed to prevent the drainage of raw fuel into the waters in
8 which ~~such~~ the motor is operated.

9 **SECTION 299.** 30.635 of the statutes is renumbered 30.66 (4) and amended to
10 read:

11 30.66 (4) ~~MOTORBOAT PROHIBITION~~ SLOW-NO-WAKE; LAKES 50 ACRES OR LESS. ~~On~~
12 No person may operate a motorboat in excess of slow-no-wake speed on lakes of 50
13 acres or less having public access, motorboats may not be operated in excess of
14 slow-no-wake speed, except when such the lakes serve as thoroughfares between 2
15 or more navigable lakes. The department by rule may modify or waive the
16 requirements of this ~~section as to particular~~ subsection for individual lakes, if it finds
17 that public safety is not impaired by ~~such~~ the modification or waiver.

18 **SECTION 300.** 30.64 of the statutes is renumbered 30.68 (14), and 30.68 (14) (a)
19 and (b), as renumbered, are amended to read:

20 30.68 (14) (a) The operator of a ~~duly authorized~~ patrol boat, when responding
21 to an emergency call or when in pursuit of an actual or suspected violator of the law,
22 need not comply with ~~state law or local~~ this subchapter or ordinances fixing
23 maximum speed limits under s. 30.77 when a siren is ~~being sounded~~ or emergency
24 light is activated and if due regard is given to the safety of other persons in the
25 vicinity. If ~~a~~ an emergency light is used ~~in conjunction with a siren~~, it shall be the

1 ~~oscillating or flashing type and be fitted with a blue lens of a type and design specified~~
2 ~~under 33 CFR 88.11 or 88.12.~~

NOTE: Patrol boats are subject to exceptions from various boat operation statutes in ss. 30.62 (2) (i), 30.68 (7) and 30.73 (2) (a). These individual exceptions are deleted in lieu of the general exemption from all boating operation statutes and local regulations for a “patrol boat”, as defined in new s. 30.50 (9b).

A blue light is required for law enforcement patrol boats. Red and yellow lights are required for fire and emergency patrol boats.

3 (b) Upon the approach of a ~~duly authorized~~ patrol boat giving an audio or visual
4 signal, the operator of a boat shall reduce the boat speed to ~~that speed necessary to~~
5 ~~maintain steerage control~~ slow-no-wake and yield the right-of-way to the patrol
6 boat until it has passed.

7 **SECTION 301.** 30.65 (1) (intro.), (b) and (f) and (2) of the statutes are amended
8 to read:

9 30.65 (1) MEETING; OVERTAKING; RIGHT-OF-WAY. (intro.) Every person operating
10 a boat shall comply with the following traffic rules, except when deviation ~~therefrom~~
11 ~~from these rules~~ is necessary to comply with federal ~~pilot~~ inland navigational rules,
12 ~~under 33 USC 2001 to 2073 and 33 CFR parts 84 to 90~~, while operating on the
13 navigable waters of the United States:

14 (b) When 2 motorboats are approaching each other obliquely or at right angles,
15 the boat ~~which~~ that has the other on her the right shall yield the right-of-way to the
16 other. “Right” means from dead ahead, clockwise to 2 points abaft the starboard
17 beam.

18 (f) A boat granted the right-of-way by this section shall maintain her course
19 and speed, unless to do so would probably result in a collision.

20 (2) ADDITIONAL TRAFFIC RULES. The department may promulgate ~~such~~
21 additional traffic rules ~~as it deems necessary in the interest of public safety. Such~~

1 rules ~~shall~~ that conform as nearly as possible to the federal ~~pilot~~ inland navigational
2 rules under 33 USC 2001 to 2073 and the regulations under 33 CFR parts 84 to 90.

3 **SECTION 302.** 30.66 (1), (2) (title) and (3) of the statutes are amended to read:

4 30.66 (1) SPEED TO BE REASONABLE AND PRUDENT. No person ~~shall~~ may operate
5 a motorboat at a speed greater than is reasonable and prudent under the conditions
6 and having regard for the actual and potential hazards then existing. The speed of
7 a motorboat shall be ~~so~~ controlled ~~as~~ to avoid colliding with any boat, object lawfully
8 ~~in or on the water or with any, or~~ person, ~~boat or other conveyance~~ in or on the water
9 ~~in compliance with legal requirements and exercising due care.~~

NOTE: The 2nd sentence of this subsection requires the speed of a motorboat to be controlled to avoid collision with objects “lawfully in or on the water” or with persons or boats that are “in compliance with legal requirements and exercising due care”. This suggests that the speed of a motorboat does not need to be controlled to avoid collision with any object, boat or person that does not meet these requirements. The amendment to this subsection requires motorboat speed to be controlled so as to avoid collision with any boat, object or person in or on the water, whether or not that boat, object or person is lawfully in or on the water or in compliance with legal requirements or exercising due care. This change establishes a principle of “defensive driving” for motorboat operation. A motorboat operator is required to control motorboat speed so as to avoid collision, no matter how any other boat is operated, any object is placed in the water, or any person uses the water.

10 (2) (title) ~~FIXED~~ POSTED LIMITS.

11 (3) ~~PROHIBITED OPERATION~~ SLOW-NO-WAKE. (a) ~~Except under s. 30.69 (3), no~~ No
12 person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed
13 restricted area on any lake at a speed in excess of slow-no-wake speed.

NOTE: The cross-reference to s. 30.69 (3) relates to restrictions on operation of a motorboat in connection with water skiing. The cross-referenced provision establishes various restrictions on the distance that must be maintained between a motorboat or personal watercraft towing a skier and various other objects. The restrictions in s. 30.69 (3) (a) to (c) do not overlap or contradict the restrictions above in s. 30.66 (3) (a). Therefore, the phrase “Except under s. 30.69 (3)”, is deleted. The exception in current s. 30.69 (3) (d) remains relevant, and is duplicated below in new s. 30.66 (3) (c). See the description in the following comment.

14 (b) No person may operate a personal watercraft at a speed in excess of
15 slow-no-wake within 100 feet of any other boat or within 200 feet of the shoreline

1 of any lake. ~~This paragraph does not apply if s. 30.69 (3) (a), (c) or (d) applies to the~~
2 ~~operation of the personal watercraft.~~

NOTE: The restriction on the operation of a personal watercraft within 200 feet of the shoreline of a lake was added by 1997 Wisconsin Act 198. The placement of that language in the first sentence of s. 30.66 (3) (b) creates a problem in connection with the sentence that follows. Most of the restrictions in s. 30.69 (3) (a), (c) and (d) apply to operation of a motorboat that is towing a water skier, and the distances that must be maintained between the motorboat and other objects. The problem is that, for example, if a personal watercraft operator is towing a skier, the restriction on operation within 200 feet of the shoreline of the lake does not apply. This does not appear to be the intent of the legislature. The only portion of s. 30.69 (3) (a), (c) and (d) that applies to operation of a personal watercraft that is towing a skier in relation to the shoreline is s. 30.69 (3) (d), which applies to pickup and drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to motorboats engaged in water skiing. To resolve this problem, the bill deletes the cross-reference in par. (b) and recreates the substance of the exception for pickup and drop areas in s. 30.66 (3) (c), below.

3 **SECTION 303.** 30.66 (3) (c) of the statutes is created to read:

4 30.66 (3) (c) This subsection does not apply to pickup or drop areas that are
5 marked with regulatory markers and that are open to operators of personal
6 watercraft and to persons and motorboats engaged in water skiing or a similar
7 activity.

NOTE: See the comment to s. 30.66 (3) (b), above.

8 **SECTION 304.** 30.67 (1) of the statutes is renumbered 30.67 (1m) and amended
9 to read:

10 30.67 (1m) DUTY TO RENDER AID. ~~Insofar as~~ If the operator of a boat can do so
11 without serious danger to the operator's boat or to persons on board, the operator of
12 a boat involved in a boating accident shall stop the operator's boat and render ~~to other~~
13 ~~persons affected thereby such to any person affected by the accident any~~ assistance
14 ~~as that may be practicable and necessary to save them from or feasible to save the~~
15 ~~person or to~~ minimize any danger caused by the accident. The operator shall give
16 the operator's name and address and identification of the operator's boat to any
17 person injured and to the owner of any property damaged in the accident.

NOTE: "Other persons" is replaced by "any person" to clearly provide that the duty to render aid applies to any person affected by the accident. The current statute commences with the provision that the operator must be able to render aid without danger to the operator's boat or to persons on board. It is possible to read the current statute that "other persons" does not apply to the operator or to persons on board the operator's boat.

"Practicable" is replaced by "feasible", to use a more understandable word and with no intention of making a change to this requirement. In effect, this is a standard of reasonableness for the effort that must be undertaken to render aid at the scene of an accident. "Necessary" is deleted as superfluous.

1 **SECTION 305.** 30.67 (2) of the statutes is amended to read:

2 **30.67 (2) DUTY TO REPORT.** (a) If a boating accident results in death or injury
3 to any person, the disappearance of any person from a boat under circumstances
4 indicating death or injury, or property damage, every operator of a boat involved in
5 an accident shall, without delay and by the quickest means available, give notice of
6 the accident to a ~~conservation warden or local~~ law enforcement officer and shall file
7 a written report with the department on the form prescribed by it. ~~The department~~
8 ~~shall promulgate rules necessary to keep accident reporting requirements in~~
9 ~~conformity with rules adopted by the U.S. coast guard.~~

10 (b) If the operator of a boat is physically incapable of making the report required
11 by this subsection and there was another occupant in the boat at the time of the
12 accident capable of making the report, the other occupant shall make ~~such~~ the report.

NOTE: The rationale for the repeal of the last sentence of this provision is the same as that stated in the note describing the repeal of s. 30.501 (8).

13 **SECTION 306.** 30.67 (3) (intro.) of the statutes is renumbered 30.67 (1g) (intro.),
14 and 30.67 (1g) (title), as renumbered, is amended to read:

15 **30.67 (1g) (title)** ~~TERMS DEFINED~~ DEFINITIONS.

16 **SECTION 307.** 30.67 (3) (a) and (b) of the statutes are renumbered 30.67 (1g) (a)
17 and (b).

18 **SECTION 308.** 30.67 (3) (c) of the statutes is repealed.

NOTE: The definition of “total property damage” is eliminated because it is not used in s. 30.67, stats. This term was originally used in connection with a property damage threshold of \$100 for reporting under current s. 30.67 (2), but that threshold is no longer part of the current statute.

1 **SECTION 309.** 30.67 (4), (5) and (6) (b) of the statutes are amended to read:

2 **30.67 (4) REPORTS CONFIDENTIAL.** No report required by this section to be filed
3 with the department shall may be used as evidence in any trial, civil or criminal,
4 arising out of an accident, except that the department shall furnish upon demand of
5 any person who has or claims to have made ~~such~~ a report, or upon demand of any
6 court, a certificate showing that a specified accident report has or has not been made
7 to the department solely to prove a compliance or a failure to comply with the
8 requirement that ~~such~~ a report be made.

9 **(5) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES.** If any
10 request for information available on the basis of reports filed pursuant to this section
11 is ~~duly~~ made by an authorized official or agency of the U.S. federal government or
12 of the state ~~which~~ that registered the boat involved or the state where the accident
13 occurred, the department shall compile and furnish ~~such~~ the information in
14 accordance with ~~such~~ the request.

15 **(6) (b)** In cases of death involving a boat in which the person died within 6 hours
16 of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from
17 the body of the decedent within 12 hours after his or her death, by the coroner or
18 medical examiner, or by a physician so designated by the coroner or medical
19 examiner or by a qualified person at the direction of the physician. All morticians
20 shall obtain a release from the coroner or medical examiner prior to proceeding with
21 embalming any body ~~coming under the scope~~ that is subject to the requirements of
22 this section. The blood so drawn shall be forwarded to a laboratory approved by the
23 state health officer for analysis of the ~~alcoholic~~ alcohol content of the blood specimen.

1 The laboratory shall notify the coroner or medical examiner causing the blood to be
2 withdrawn ~~shall be notified~~ of the results of each analysis made and the coroner or
3 medical examiner shall forward the results of each analysis to the state health
4 officer. The state health officer shall keep a record of all examinations to be used for
5 statistical purposes only. The cumulative results of the examinations, without
6 identifying the individuals involved, shall be disseminated and made public by the
7 state health officer. The department shall reimburse coroners and medical
8 examiners for the costs incurred in submitting reports and taking blood specimens
9 and laboratories for the costs incurred in analyzing blood specimens under this
10 section.

11 **SECTION 310.** 30.675 (intro.) and (1) of the statutes are renumbered 30.675 (1g)
12 and (1r) and amended to read:

13 30.675 (1g) The display on a boat or by a person of ~~an orange flag approximately~~
14 ~~18 by 30 inches in size~~ a visual distress signal of a type approved by the U.S. coast
15 guard under 33 CFR 175.101 to 175.140 shall indicate that such boat or person is in
16 need of help.

17 (1r) ~~Insofar as~~ If it is possible without serious danger to the operator's boat or
18 persons on board, the operator of a boat observing a distress signal shall render to
19 the boat or person displaying the signal such assistance as ~~may be practicable and~~
20 ~~necessary is feasible~~ to save the boat or person or to minimize any danger to them.

21 **SECTION 311.** 30.675 (2) of the statutes is amended to read:

22 30.675 (2) No person ~~shall~~ may display a ~~flag like that~~ distress signal described
23 ~~in~~ under sub. (1) (1g) unless such person is in need of assistance to prevent bodily
24 injury or destruction of property.

25 **SECTION 312.** 30.68 (title) and (2) of the statutes are amended to read: